

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

JAMES A. JENKINS,  
Plaintiff,

v.

KATHLEEN MICKS, et al.,  
Defendants.

Case No. 14-cv-03522-NJV

**ORDER RE AMENDED COMPLAINT**

Re: Dkt. No. 15

Plaintiff is proceeding pro se in this civil rights action arising out of the seizure of cannabis and a cannabis related apparatus. Defendants filed a motion to dismiss on August 12, 2014. (Doc. 7.) Plaintiff has now filed an amended complaint. (Doc. 15.) An amended complaint supersedes the original complaint and renders it of no legal effect. *Valdez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011). However, the original complaint is superseded only when the amended complaint is properly served on the defendants, not when it is filed. *Doe v. Unocal Corp.*, 27 F.Supp.2d 1174, 1180 (C.D. Cal. 1998), *aff'd*, 248 F.3d 915, 920 (9th Cir. 2001).

The amended complaint received by the court contains no proof of service on Defendants. Pursuant to Civil Local Rule 5-1(f), a party such as Plaintiff who manually files documents must serve opposing parties in compliance with the Federal Rules of Civil Procedure. Accordingly, Plaintiff's amended complaint will not be deemed by the court to supercede his original complaint until he properly serves Defendants and files proof of service with this court.

Accordingly, Plaintiff SHALL FILE a proof of service of the amended complaint on Defendants NO LATER than September 12, 2014. Until the court receives a proof of service of the amended complaint, the original complaint remains the operative complaint in this action and

Defendants' motion to dismiss remains set for hearing on October 21, 2014. Plaintiff is directed to mail all future filings to the Clerk's Office, United States District Court, 450 Golden Gate Avenue, San Francisco, CA, 94102.

**IT IS SO ORDERED.**

Dated: September 8, 2014

A handwritten signature in black ink, appearing to read 'NANDOR J. VADAS', written over a horizontal line.

NANDOR J. VADAS  
United States Magistrate Judge